

REMARKS

The present communication is filed in response to the Official Action mailed November 2, 2006, rejecting all the claims presently pending in the application ("Official Action").

A one-month extension of the time to respond, up to and including March 2, 2007, is filed concurrently herewith.

The specification has been amended as indicated above. In particular, paragraph [0015] has been amended to correct the informalities objected to by the Examiner. In addition, the abstract has been amended to address the objections raised by the Examiner.

Claims 1 and 9 have been amended to recite "a patient support positioned within said gap [receiving space], the patient support being capable of positioning a patient supported thereon with three degrees of motion." Support for the foregoing amendments to claims 1 and 9 may be found by reference to, for example, paragraphs [0011], [0032] and [0037]. Applicant respectfully submits that the amendments to claims 1 and 9 do not constitute the addition of new matter to the application.

Claims 7, 8, 13 and 16 have been amended to improve their form. In addition, applicant respectfully submits that the amendments to these claims addresses the Examiner's rejection under 35 U.S.C. §112 as is indicated at items 6 and 7 of the Official Action. (Official Action at 3.)

Claim 17 have been amended to recite "positioning a patient within a patient receiving space in the magnet gap on a patient support capable of three degrees of motion." Support for the foregoing amendment to claim 17 may be found by reference to, for example, paragraphs [0011], [0032] and [0037].

Claims 16 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. (Official Action at 3.) In particular, the Examiner objected to the use of the term "the desired motion" in this claim. As indicated above, applicant has amended claim 16, as well as other claims in which the objected to phrase appeared to address the Examiner's rejection. Accordingly, applicant submits that all the claims meet the requirements of 35 U.S.C. §112.

Claims 1, 3-7, 9, 12-14, 17, 21 and 22 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pub. No. 2002/0123681 to Zuk et al. ("Zuk"). Claims 2, 8, 10, 11, 15 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zuk and two other references.

Applicant respectfully submits that in view of the amendments to claims 1, 9 and 17, the claims are distinguishable over the art of record. In particular, none of the references cited by the Examiner teach or suggests a patient support capable of three degrees of motion. In addition, applicant respectfully submits that the references of record do not make up for this deficiency in the references relied on by the Examiner.

Accordingly, applicant respectfully submits that claims 1, 9 and 17 are distinguishable over the prior art of record for at least the foregoing reasons. In addition, as all the other claims pending in the application depend from one of these independent claims, those claims are also distinguishable over the prior art of record.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

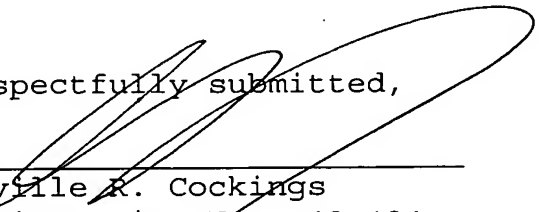
Application No.: 10/725,155

Docket No.: DAMADIAN 3.0-094

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: March 2, 2007

Respectfully submitted,

By 
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